
Commerce & Labor Committee

HB 2804

Brief Description: Concerning beer and caffeinated or stimulant-enhanced malt beverages.

Sponsors: Representatives Green, Hudgins, Goodman, Conway, Chandler, Crouse, Condotta, Moeller, Miloscia, Darneille, Hunt, Kagi and McCune; by request of Liquor Control Board.

Brief Summary of Bill

- Prohibits the sale of caffeinated or stimulant-enhanced malt beverages.

Hearing Date: 1/20/10

Staff: Joan Elgee (786-7106).

Background:

Several liquor licenses permit the sale of beer. "Beer" is any "malt beverage" and "malt beverage" is a beverage obtained by the alcoholic fermentation of an infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain or cereal in pure water containing not more than 8 percent and not less than 0.5 percent of alcohol by volume.

In September 2009 a number of state Attorneys General sent a letter to the Food and Drug Administration (FDA) expressing concerns about caffeinated alcoholic beverages. In November, the FDA notified approximately 30 manufacturers of caffeinated alcoholic beverages that it intended to look into the safety and legality of their products. Under the Federal Food, Drug, and Cosmetic Act, a substance added to food is deemed "unsafe" and is unlawful unless its particular use has been approved by FDA regulation, the substance is subject to a prior sanction, or the substance is generally recognized as safe.

Summary of Bill:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The sale of caffeinated or stimulant-enhanced malt beverages in the state is prohibited. "Caffeinated or stimulant-enhanced malt beverage" is a beverage to which is added caffeine or other stimulants including guarana, ginseng, and taurine, and contains at least 0.5 percent alcohol by volume.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.